

United States Court of Appeals
Fifth Circuit

FILED

UNITED STATES COURT OF APPEALS February 7, 2008

FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 06-10974

D.C. Docket No. 3:04-CV-2169

BLUE SKIES ALLIANCE; DOWNWINDERS AT RISK; PUBLIC CITIZEN;
SIERRA CLUB

Plaintiffs - Appellees

v.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Intervenor - Defendant - Appellant

Appeal from the United States District Court for the
Northern District of Texas, Dallas.

Before REAVLEY, SMITH and GARZA, Circuit Judges.

J U D G M E N T

This cause was considered on the record on appeal and was
argued by counsel.

It is ordered and adjudged that the judgment of the District
Court is reversed.

IT IS FURTHER ORDERED that plaintiffs-appellees pay to
intervenor-defendant-appellant the costs on appeal to be taxed by
the Clerk of this Court.

ISSUED AS MANDATE: APR 01 2008

A True Copy
Attest

APR 01 2008

Clerk, U.S. Court of Appeals, Fifth Circuit

By:

Madeleine Chespi
Deputy

New Orleans, Louisiana

United States Court of Appeals

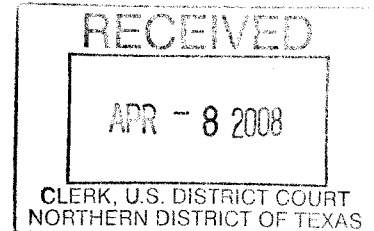
FIFTH CIRCUIT
OFFICE OF THE CLERK

CHARLES R. FULBRUGE III
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

April 1, 2008

Ms Karen S Mitchell, Clerk
Northern District of Texas, Dallas
United States District Court
Room 1452
1100 Commerce Street
Dallas, TX 75242



No. 06-10974 Blue Skies Alliance v. Johnson
USDC No. 3:04-CV-2169

Enclosed, for the district court only, is a certified copy of the judgment issued as the mandate.


The electronic copy of the record has been recycled.

Enclosed for the district court and counsel is the approved bill of costs.

Sincerely,

CHARLES R. FULBRUGE III, Clerk

By:


Madeline Chigoy, Deputy Clerk
504-310-7691

cc: (letter only)
Honorable Jerry L Buchmeyer
Ms Linda B Secord
Mr Marc Stephen Chytilo

P.S. to Judge Buchmeyer: A copy of the opinion was sent to your office via email the day it was filed.

MDT-1



UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

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FEB 21 2008

BILL OF COSTS

NOTE: The Bill of Costs is due in this office *within 14 days from the date of the opinion*, See FED. R. APP. P. & 5TH CIR. R. 39. Untimely bills of costs must be accompanied by a separate motion to file out of time, which the court may deny.

CHARLES R. FULBRUGE III
CLERK

Blue Skies Alliance, Downwinders at Risk, Public Citizen, and Sierra Club, Plaintiffs-Appellees, v. Texas Commission on Environmental Quality, Intervenor-Defendant-Appellant; No. 06-10974

The Clerk is requested to tax the following costs against: Plaintiffs-Appellees

COSTS TAXABLE UNDER Fed. R. App. P. & 5 th Cir. R. 39	REQUESTED				ALLOWED (If different from amount requested)			
	No. of Copies	Pages Per Copy	Cost per Page*	Total Cost	No. of Documents	Pages per Document	Cost per Page*	Total Cost
Docket Fee (\$450.00)				450.00				450.00
Appendix or Record Excerpts	9	56	.05	25.20	9	56	0.05	25.20
Appellant's Brief	9	69	.05	31.05	9	69	0.05	31.05
Appellee's Brief								
Appellant's Reply Brief	9	39	.05	17.55	9	39	0.05	17.55
Other: Tab sheets	9	10	.03	2.70	9	10	0.03	2.70
Cover sheets (blue)	9	2	.15	1.35	9	2	0.15	2.70
Cover sheets (gray)	9	2	.15	1.35	9	2	0.15	2.70
Spiral Binding (1/2 inch size)	18	1	.07	1.26	18		0.07	1.26
Spiral Binding (3/8 inch size)	9	1	.09	0.81	9		0.09	0.81
				Total \$ 540.45	Costs are taxed in the amount of \$ 533.97			

Costs are hereby taxed in the amount of \$ 533.97 this APR 01 2008 day of _____.

State of _____
County of _____

CHARLES R. FULBRUGE III, CLERK

By [Signature] Deputy Clerk

I Linda B. Second, do hereby swear under penalty of perjury that the services for which fees have been charged were incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this Bill of Costs was this day mailed to opposing counsel, with postage fully prepaid thereon. This 15th day of February, 2008.

Attest: APR 01 2008

Clerk, U.S. Court of Appeals, Fifth Circuit

By [Signature] Deputy
New Orleans, Louisiana

[Signature] (Signature)

Attorney for [Signature] Texas Commission on Environmental Quality

*SEE REVERSE SIDE FOR RULES
GOVERNING TAXATION OF COSTS